

**§ 17-27-104. Prohibitions - Penalties.**

(a)(1) Any person who shall hold himself or herself out to the public as being engaged in the practice of counseling or marriage and family therapy as defined in § [17-27-102](#) or represents himself or herself by the title "licensed professional counselor", "licensed associate counselor", "licensed marriage and family therapist", or "licensed associate marriage and family therapist" and shall not then possess in full force and effect a valid license to practice counseling as provided in this chapter shall be deemed guilty of a Class A misdemeanor.

(2)(A) Upon conviction that person shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) and may be imprisoned for a term not exceeding one (1) year.

(B) Each violation and conviction shall be deemed a separate offense.

(C) Notwithstanding the limits imposed for a Class A misdemeanor, if the defendant has derived pecuniary gain in the form of client fees received for services in violation of this chapter, the fees will be refunded.

(b) No firm, partnership, or corporation may offer to the public or other firms, partnerships, or corporations any counseling services as specified in § [17-27-102](#) unless those services are performed or supervised by individuals fully and validly licensed under this chapter.

**History.** Acts 1979, No. 593, § 15; A.S.A. 1947, § 71-5215; Acts 1997, No. 244, § 1.